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SEVENTH REPORT OF THE EXECUTIVE SECRETARY PURSUANT TO ARTICLE 41 OF THE PROVISIONAL RULES FOR CLAIMS PROCEDURE: CORRECTIONS TO APPROVED CLAIM AWARDS

1. The present report identifies, pursuant to article 41 of the Provisional Rules For Claims Procedure (S/AC.26/1992/10) (the "Rules"), corrections to approved claim awards in category "A".

2. As noted in previous reports of the Executive Secretary, corrections have typically been reported by the Commissioner panels in their reports and recommendations to the Governing Council. However, the category "A" Panel has concluded its work and no longer sits. Therefore, corrections to approved claim awards in category "A" are reported by the Executive Secretary to the Governing Council instead.

I. CORRECTIONS TO APPROVED CLAIM AWARDS

3. Recommendations for corrections to category "A" claims include corrections as a result of applying the high "A" matching programme to the second and third instalments of category "A" claims and of duplicate claims reported by Governments (including the reinstatement of claims that were originally reported as duplicates but as a result of information received from Governments have been shown to be claims submitted by different individuals).

A. Matching of high category "A" claims against claims in categories "B", "C" and "D"

4. Decision 21 (S/AC.26/Dec.21 (1994)) of the Governing Council states that "any claimant who has selected a higher amount under category 'A' (US$4,000 or US$8,000) and has also filed a category 'B', 'C' or 'D' claim

will be deemed to have selected the corresponding lower amount under category 'A'". The Commission applied the high "A" matching programme for the second and third instalments of category "A" claims against all claims data in categories "B", "C" and "D" in order to determine those claims that were filed for higher amounts in category "A" and that also have claims in those other categories.

5. Claimants with claims that were filed for the higher amount in category "A" that have been found to have filed claims in other categories have had their claim amounts adjusted downward in accordance with decision 21. A total of 3,355 claims from 25 Governments and 4 international organizations were detected by the high "A" matching programme. The adjusted claim awards have been included in the corrected total recommended awards in chapter I, section D, infra. The results of the high "A" matching programme for the remaining instalments of category "A" claims will be reported to the Governing Council at its thirty-fourth session, to be held from 7 to 9 December 1999.

B. Duplicate claims

6. Since the last article 41 report, a total of 26 claims have been found to be duplicates of other claims also awarded compensation in category "A". No compensation should be awarded for the duplicate claims and the total recommended awards should be revised accordingly. The following table identifies the Governments concerned, the instalments to be adjusted, the total number of claims to be corrected and the total amount by which the instalment will be reduced.

Table 1. Duplicate claims

Government	Instalment	Total number of duplicate claims	Amount of reduction (US$)
India	First	1	(5,000.00)
	Second	1	(4,000.00)
	Fourth	6	(24,500.00)
	Fifth	6	(24,000.00)
Pakistan	Special	1	(4,000.00)
Philippines	Third	1	(4,000.00)
Turkey	Fourth	1	(4,000.00)
	Fifth	7	(22,000.00)
	Sixth	2	(12,000.00)
Total		26	(103,500.00)

7. The adjusted claim awards have been included in the corrected total recommended awards in chapter I, section D, infra.

C. Other corrections

8. In the sixth instalment report on category "A" claims, two claims submitted by Vietnam and one claim submitted by Yemen were identified as duplicates of other claims awarded compensation in the same instalment. However, additional information submitted by the Governments of Vietnam and Yemen has now shown that the claims were in fact submitted by different individuals and that no duplication exists in these situations. The total recommended awards for Vietnam and Yemen in the sixth instalment should be revised accordingly.

9. In the sixth article 41 report, one claim that had been submitted in the fourth instalment by Turkey was identified as a duplicate of a claim awarded compensation in the fifth instalment. Additional information submitted by the Government of Turkey has now shown that the claims were in fact submitted by different individuals and that no duplication exists in this situation. The total recommended award for Turkey in the fourth instalment should be revised accordingly.

10. At the request of the Government of Canada and with the agreement of the United Nations Development Programme (UNDP) in Yemen, one claim submitted by UNDP Yemen and approved in the sixth instalment has been transferred to Canada.

D. Corrected amounts by instalment

11. Based on the above corrections, the category "A" claims aggregate corrected amounts per country, by claim instalment, are as follows:

Table 2. First instalment corrections

Country or international organization	Previous total recommended award (US$)	Corrected total recommended award (US$)
India	25,048,000.00	25,043,000.00

Table 3. Second instalment corrections

Country or international organization	Previous total recommended award (US$)	Corrected total recommended award (US$)
India	50,859,500.00	50,855,500.00

Table 4. Third instalment corrections

Country or international organization	Previous total recommended award (US$)	Corrected total recommended award (US$)
Egypt	174,390,500.00	174,194,000.00
India	a/ 17,001,000.00	16,732,500.00
Iran	68,574,500.00	68,447,000.00
Jordan	93,844,500.00	91,939,500.00
Kuwait	104,632,000.00	104,620,000.00
Pakistan	180,500.00	174,500.00
Phillippines	5,519,500.00	5,487,000.00
Sri Lanka	a/ 52,421,000.00	52,421,000.00
Sudan	b/ 11,947,000.00	b/ 11,945,500.00
Thailand	b/ 3,523,500.00	b/ 3,520,500.00

a/ In the sixth article 41 report the corrected total recommended awards for the third instalment for India and Sri Lanka were reported as US$16,993,000.00 and US$52,409,000.00 respectively. These amounts did not include amounts for claims that had previously been set aside pending receipt of additional information for payment purposes. In this report, the previous total recommended award fields reflect the amounts that should have appeared in the corrected total recommended award fields in the last report for these two countries.

b/ These amounts include claims from the fourth instalment that the Governing Council decided be paid as part of the third instalment.

Table 5. Fourth instalment corrections

Country or international organization	Previous total recommended award (US$)	Corrected total recommended award (US$)
Algeria	26,500.00	17,500.00
Bangladesh	52,835,500.00	52,481,500.00
Egypt	207,798,000.00	207,343,500.00
Ethiopia	192,500.00	168,500.00
Hungary	114,000.00	111,000.00
India	148,425,500.00	146,328,000.00
Iran	3,593,000.00	3,515,000.00
Ireland	129,500.00	126,500.00
Italy	184,000.00	182,500.00
Jordan	17,837,500.00	17,441,500.00
Kuwait	40,990,500.00	40,986,000.00
Netherlands	37,000.00	34,000.00
Pakistan	22,851,500.00	22,616,000.00
Philippines	30,558,000.00	30,465,000.00

Country or international organization	Previous total recommended award (US$)	Corrected total recommended award (US$)
Poland	3,788,500.00	3,785,500.00
Republic of Korea	1,208,500.00	1,205,500.00
Slovakia a/	260,500.00	257,500.00
Somalia	515,500.00	511,000.00
Sri Lanka	71,729,500.00	71,728,000.00
Sudan	b/ 10,243,000.00	b/ 10,223,500.00
Syria	26,612,500.00	26,176,000.00
Thailand	b/ 2,597,500.00	b/ 2,590,000.00
Tunisia	317,500.00	314,500.00
Turkey	6,297,000.00	6,288,000.00
Yemen	25,645,000.00	25,540,000.00
UNDP Jerusalem	78,000.00	75,000.00
UNHCR Canada	56,000.00	53,000.00
UNHCR Geneva	30,500.00	27,500.00
UNRWA Gaza	690,000.00	687,000.00

a/ Claims listed under Slovakia were initially filed by the Czech and Slovak Federal Republic. Pursuant to an agreement between the Governments of the Slovak Republic and Czech Republic, awards of compensation have to be paid to these two governments respectively. The amounts identified in this table for Slovakia represent the Slovak Republic's portion of the recommended awards for the fourth instlament.

b/ These amounts exclude those claims that the Governing Council decided be paid as part of the first, second and third instalments.

Table 6. Fifth instalment corrections

Country or international organization	Previous total recommended award (US$)	Corrected total recommended award (US$)
India	150,137,000.00	150,113,000.00
Turkey	6,514,000.00	6,492,000.00

Table 7. Sixth instalment corrections

Country or international organization	Previous total recommended award (US$)	Corrected total recommended award (US$)
Canada	a/ 59,000.00	67,000.00
Turkey	1,566,000.00	1,554,000.00
Vietnam	3,484,000.00	3,492,000.00
Yemen	1,855,500.00	1,859,500.00
UNDP Yemen	a/ 807,000.00	799,000.00

a/ In the sixth article 41 report the corrected total award for Canada was reported as US$67,000. That amount inadvertently included the claim transferred from UNDP Yemen to Canada (see paragraph 10, supra). The transferred claim is included in this seventh article 41 report and the corrected total recommended awards for Canada and UNDP Yemen have been adjusted accordingly.

Table 8. Special instalment corrections

Country or international organization	Previous total recommended award (US$)	Corrected total recommended award (US$)
Pakistan	2,558,500.00	2,554,500.00

12. Based on the above corrections, the revised total recommended awards by instalment are as follows:

Table 9. Revised total recommended awards

Instalment	Previous total recommended award (US$) b/	Corrected total recommended award (US$)
First	189,638,000.00	189,633,000.00
Second	641,356,500.00	641,352,500.00
Third	a/ 534,123,500.00	531,571,000.00
Fourth	739,203,000.00	734,839,000.00
Fifth	789,889,000.00	789,843,000.00
Sixth	320,542,000.00	320,542,000.00
Special	2,558,500.00	2,554,500.00

a/ This amount includes those claims identified in note a/ in table 4, supra, that had not been included in the sixth article 41 report.

b/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 22, 28, 29, 31, 33, 38 and 67 (S/AC.26/Dec.22 (1994), S/AC.26/Dec.28 (1995), S/AC.26/Dec.29 (1995), S/AC.26/Dec.31 (1995), S/AC.26/Dec.33 (1995), S/AC.26/Dec.38 (1996) and S/AC.26/Dec.67 (1999)) and subsequent corrections approved by the Governing Council in its decisions 42, 44, 51, 54, 57 and 71 (S/AC.26/Dec.42 (1997), S/AC.26/Dec.44 (1997), S/AC.26/Dec.51 (1998), S/AC.26/Dec.54 (1998), S/AC.26/Dec.57 (1998) and S/AC.26/Dec.71 (1999).